



United States
General Accounting Office
Washington, D.C. 20548

General Government Division

B-260231

April 17, 1996

The Honorable Joseph I. Lieberman
United States Senate

Dear Senator Lieberman:

This letter responds to your request that we (1) provide a profile of the U.S. Capitol Police's (USCP) uniformed workforce, (2) examine the Capitol Police's recruitment and hiring processes, and (3) review the Capitol Police's promotion policies and practices.

In doing this work, we analyzed statistical information on the organization's uniformed workforce in comparison to the D.C. metropolitan area civilian labor force (CLF) for police and analyzed the results of the Capitol Police's recruitment and promotion processes. We also examined the organization's policies and practices pertaining to recruitment, hiring, and promotions and interviewed officials responsible for these personnel functions. We did our work at the Capitol Police's headquarters in Washington, D.C., from November 1994 to December 1995, in accordance with generally accepted government auditing standards.

PROFILE OF THE CAPITOL
POLICE'S UNIFORMED WORKFORCE

As of June 27, 1995, the Capitol Police had a uniformed workforce (sworn personnel) of 1,027 employees. Of this total, 821 served in a nonsupervisory capacity at the ranks of Private and Detective. The remainder, 206, served in a supervisory capacity at the ranks of Sergeant, Lieutenant, Captain, Inspector, Deputy Chief, Assistant Chief, and Chief. Minorities and women made up approximately 45 percent of the nonsupervisory workforce and 26 percent of the supervisory workforce.

Table 1 provides a further breakdown of the workforce. In table 1, we compared the CLF for police and police supervisors in the Washington, D.C., metropolitan

area with the Capitol Police to show relative representation. To do this, we computed a representation index in which 100 indicates full representation and lower numbers indicate underrepresentation. We computed the index by dividing the percent of an Equal Employment Opportunity (EEO) group's representation in the Capitol Police by the percent of that same EEO group's representation among CLF police in the D.C. metropolitan area. For example, since black males constitute 11 percent of Capitol Police supervisors and 24 percent of police supervisors in the D.C. metropolitan area, we divided 11 percent by 24 percent to yield a representation index (shown in table 1) of 44 percent.

Table 1: Comparison of the U.S. Capitol Police Officer Workforce With the Police Officer Workforces in the D.C. Metropolitan Area

EEO groups	Number of USCP officers		Percent of USCP workforce		Percentage in CLF ^a		Representation index ^b	
	Supervisors	Nonsupervisors	Supervisors	Nonsupervisors	Supervisors	Nonsupervisors	Supervisors	Nonsupervisors
White male	153	449	74	55	58	52	128	104
White female	24	82	12	10	6	10	196	104
Black male	22	214	11	26	24	26	44	100
Black female	5	58	2	7	9	8	c	c
Hispanic male	1	9	.5	1	2	2	c	c
Hispanic female	1	0	.5	0	0	.7	c	c
Other	0	9	0	1	.3	1	c	c

^aWe developed a representation profile for the Capitol Police following Equal Employment Opportunity Commission (EEOC) criteria, which require that an agency's workforce data be compared to CLF data based on geographic area of recruitment. The CLF data were derived from the 1990 U.S. Census Bureau's Equal Employment Opportunity file. These CLF data include the D.C. Metropolitan Police, the police forces of the surrounding suburban jurisdictions, and the law enforcement officers of federal law enforcement agencies who are located in the area.

^bThe representation index is based on unrounded percentages. The percentages reported in the USCP and CLF columns have been rounded.

"Because of the low numbers, we did not do a representation index for black females, Hispanic males and females, and the "Other" grouping.

Source: U.S. Capitol Police and the U.S. Census Bureau.

As shown in table 1, based on Capitol Police and the U.S. Census Bureau data, black males appear to be underrepresented in the supervisory ranks of the Capitol Police. It is important to note that such underrepresentation is not necessarily the result of prohibited discrimination. It is also important to note that the Capitol Police exceeds the CLF for the EEO group of white females.

In commenting on our use of the CLF, the Capitol Police expressed its view that the CLF data allow for only a gross comparison due to the imprecise construction of the data. It also expressed its belief that the appearance of underrepresentation of black males in the supervisory ranks of the Capitol Police as compared to the CLF is caused by the inclusion of the D.C. Metropolitan Police Department in the CLF data. It noted that the D.C. Metropolitan Police Department is the largest police agency in the Washington metropolitan area and has a larger representation of blacks and females than other local police agencies. It believed that this fact causes the CLF data to be skewed. It also expressed its belief that if the "median" of the six largest agencies within the CLF were used, the Capitol Police would exceed the standard for representation of blacks and females. In addition, the Capitol Police believes it should be compared with the U.S. Secret Service Uniform Division and the U.S. Park Police rather than the D.C. metropolitan area CLF for police, because these agencies are similarly situated in terms of size, mission, and function.

We recognize that the CLF data are imperfect and inclusion of the D.C. Metropolitan Police Department heavily affects the CLF data. However, in our analysis of representation levels we used CLF data as the statistical basis for measuring an EEO group's representation in the Capitol Police because it is the benchmark EEOC uses to assess an EEO group's representation in federal agencies. We believe that the appropriate labor market is determined by reference to the source of the employees because EEOC considers CLF statistics in the context of the relevant labor market. EEOC requires federal agencies to use the CLF data that most closely match the geographic area from which they recruit. Capitol Police officials said that the Washington metropolitan area is their primary labor market for recruitment. Accordingly, the relevant labor market, as measured by the CLF, would consist of police officers in the District, Virginia, and Maryland, including those employed by the D.C. Metropolitan Police Department. The EEOC instructions to federal agencies on how representation levels should be calculated neither provide for a comparison to

other individual agencies or groups of agencies nor direct use of the "median" in calculating such representation levels, as suggested by the Capitol Police. Again, we note that any underrepresentation shown is not necessarily the result of prohibited discrimination.

We also analyzed the Capitol Police's own personnel statistics to compare EEO groups' representation in the total Capitol Police workforce with their representation in the supervisory ranks. This analysis is shown in table 2 and, like the comparison with the CLF, indicates that some minorities are less fully represented in the supervisory ranks of the Capitol Police than their overall representation in the Capitol Police workforce.

Table 2: Representation of EEO Groups in the Total U.S. Capitol Police Workforce and in the Supervisory Ranks as of June 27, 1995

EEO group	Percent of USCP workforce	Percent of USCP supervisors
White male	59	74
White female	10	12
Black male	23	11
Black female	6	2
Hispanic male	1.0	0.5
Hispanic female	0.1	0.5
Other	0.9	0

Source: U.S. Capitol Police.

As shown in table 2, black males make up 23 percent of the uniformed workforce while holding 11 percent of the supervisory positions. While black females make up 6 percent of the workforce, they hold about 2 percent of the supervisory positions. The percentage of white females in supervisory positions (12 percent) was about equal to the percentage of white females in the workforce (10 percent). There is a greater percentage of white males in the supervisory ranks of the Capitol Police than in the overall uniformed workforce (74 percent compared to 59 percent).

Capitol Police officials recognized that some groups have less representation in the supervisory ranks than others. They said that this will change over time. The officials pointed out that they promote from within their workforce and are not in a position to go to the labor market to hire individuals directly into their supervisory ranks.

CAPITOL POLICE RECRUITING AND HIRING PROCESSES

Applicants interested in a position at the Capitol Police generally telephone, write, or walk into the Capitol Police's Recruiting Section.¹ Capitol Police officials said that since 1993 they have begun a more proactive recruiting effort by sending a recruiting team to job fairs, military installations, and minority colleges. Capitol Police officials estimated that about 25 percent of the individuals who have contacted the Capitol Police and expressed an interest in employment from 1994 to date did so as a result of the Capitol Police's recruiting efforts. The Capitol Police has also advertised in a number of widely circulated publications, such as the Police Gazette, Military Police Magazine, Federal Employment Listing Service, and the Police Career Digest.

Until March 1996, the Capitol Police used the OPM-21 examination to test new applicants. The test measured verbal, reasoning, and judgmental abilities. The Office of Personnel Management (OPM) had concluded that the OPM-21 examination was a good predictor of success in the Capitol Police's formal training program. To pass, an

¹According to the Capitol Police, patronage positions were abolished in the 104th Congress. Prior to this time, about 120 Capitol Police positions were patronage positions on the House payroll. According to Capitol Police officials, since 1985 individuals seeking these positions were required to successfully complete the same phases of the selection process as all other applicants.

applicant had to score 50 or better on the OPM-21 examination.² The examination was administered and scored by the Capitol Police. Individuals who failed the examination were allowed to return in 6 months and retake the test.

After the entry-level examination, applicants must go through several additional steps in the recruitment process. The first is a structured Oral Board Interview.³ Appointed by the Commander of the Uniformed Services Bureau, the Board consists of a Lieutenant, Sergeant, and Private First-Class. Board members receive training in interviewing before they evaluate candidates, and each interview is monitored by a personnel specialist, according to Capitol Police officials. The Board evaluates each candidate in five substantive categories—job perception, interpersonal and intergroup relations, judgment, responsibility, and oral communication—as well as appearance relative to grooming and professional bearing.

Applicants who successfully complete the Oral Board Interview must undergo a background investigation and are asked to complete a more formal detailed application form on which they provide such information as work history and personal references. In addition, applicants are required to provide documents, such as birth certificates, high school and college transcripts, military discharges, naturalization papers, and divorce decrees. The application and investigative report and any other documents furnished in support of the application are to be reviewed for disqualifiers, such as criminal history and illegal drug use. Some candidates may be disqualified from employment during these steps.

After these steps are completed, initial recommendations for employment are to be forwarded to the Chief of Police by the Deputy Chief for the Administrative Services Bureau, and conditional offers of employment are made. If a job applicant accepts the conditional offer of employment, he or she is required to take a physical examination, a polygraph test, and a psychological examination. Candidates who successfully complete these examinations are to receive final offers.

To examine the results of the Capitol Police's recruitment process, we used statistical information provided by the agency for the period 1990 through 1994. This information is summarized in table 3.

²The passing score of 50 was used by the Capitol Police beginning in 1992. The passing score used in 1991 was 40, and in 1990 the passing score was 35. According to an OPM report, the test has been traditionally used with a passing score of 40.

³The Oral Board Interview was added to the selection process in April 1994.

Table 3: Applications and Hires for U.S. Capitol Police Officer Positions by Race and Gender, 1990 through 1994

EEO group	Number applying	Qualified on exam ^a		Adverse impact index	Applicants hired		Adverse impact index
		Number	Percent		Number	Percent of qualified applicants	
White male	1,778	1,566	88.1	1.00	186	11.9	.70
White female	197	166	84.3	.96	28	16.9	1.00
Black male	1,491	894	60.0	.68	57	6.4	.38
Black female	332	160	48.2	.55	14	8.8	.52
Hispanic male	68	44	64.7	.73	6	13.6	.80
Hispanic female	8	5	62.5	.71	1	20.0	1.18
Other	32	26	81.3		5	19.2	
Totals	3,906	2,861	73.2		297	10.4	

^aIn 1990, the minimum score to be considered qualified was 35; in 1991, the minimum score was 40; and in years 1992 through 94, the minimum score was 50.

Source: U.S. Capitol Police.

In our analysis, we relied upon federal regulation 29 C.F.R. 1607.4D, which provides that a selection rate for any EEO group that is less than four-fifths (or 80 percent) of the rate for the group with the highest rate will generally be regarded by federal enforcement agencies as evidence of adverse impact.⁴ This is commonly referred to as the "four-fifths rule." It is important to note that the existence of an adverse impact as

⁴EEOC guidelines define adverse impact as "a substantially different rate of selection in hiring, promotion, or other employment decision which works to the disadvantage of members of a race, sex, or ethnic group."

measured by the application of the four-fifths rule does not necessarily mean that it is the result of prohibited discrimination.

On the basis of the four-fifths rule,⁵ table 3 shows that the examination stage of the Capitol Police's hiring process has had an adverse impact on black males and females and on Hispanic males and females. For example, black males and females qualified on the written examination at a rate of 68 percent and 55 percent, respectively, of that of white males, the EEO group that qualified on the written examination at the highest rate. Similarly, Hispanic males and females passed the written examination at a rate of 73 percent and 71 percent, respectively, of that of white males.

The final stage of the Capitol Police's hiring process is the selection stage. In analyzing this stage of the hiring process, we measured the number of individuals hired in relation to the number of applicants who had qualified on the written examination. As with the examination stage, there has been an adverse impact on black applicants at this stage of the process.⁶ For example, of those individuals who qualified on the written examination, black males and females were hired at a rate of 38 percent and 52 percent, respectively, of that of white females, the EEO group that was hired at the highest rate.⁷

The Capitol Police has replaced the OPM-21 examination with "The National Police Officer Selection Test." The primary purpose of the change, according to Capitol Police officials, is to use a test that will have less adverse impact and more validity for police work by using law enforcement-related items. According to these officials, this test is commonly used among law enforcement agencies. The Capitol Police expect to use the new entry-level examination with the next recruitment class.

⁵As a legislative branch entity, the Capitol Police is not subject to the provisions of 29 C.F.R. Part 1607. However, we have examined the Capitol Police's recruitment and promotion practices in comparison to the four-fifths rule because it is a widely accepted guideline to identify potential adverse impact.

⁶There is also an adverse impact on white males at this stage of the process. White males were hired at a rate of 70 percent of that of white females.

⁷We do not use Hispanic females as our base for comparison because the number of employees hired was very small.

CAPITOL POLICE PROMOTION
POLICIES AND PRACTICES

The Capitol Police has a biennial competitive promotional process for the ranks of Detective through Captain.⁸ To be promoted, an officer must take two promotional tests. The first test is a written examination, consisting of both open- and closed-book multiple-choice questions. Candidates for Detective and Sergeant who score within the top 25 percent on this test qualify to take a simulation examination. Candidates for Lieutenant who score in the top 33 percent and all candidates taking the written examination for Captain qualify to sit for the simulation examination. The simulation examinations are tailored to each rank on the basis of duties identified through job analyses and are designed to assess a candidate's skills in such areas as management and communications.⁹

Prior to the administration of the 1994-1995 tests, an outside consultant administered the written promotional examinations, while the Capitol Police administered the simulation examinations. Currently, an outside consulting firm administers and scores both the written and simulation examinations for all ranks. The consulting firm is also responsible for, among other things, (1) conducting a job analysis, including analysis of the knowledge, skills, and abilities for each rank; (2) providing candidates with preparation classes; (3) developing a reading list for each of the four ranks; and (4) providing tutorial sessions, including instruction on how to prepare for simulation exercises. In addition, the Capitol Police has hired a separate contractor to monitor the first contractor's work to ensure that the promotional processes were developed and administered in accordance with professional standards.

Following completion of the 1994-95 promotional processes for the ranks of Detective, Sergeant, Lieutenant, and Captain, the contractor certified that the processes for all ranks satisfied all requirements and standards. According to Capitol Police officials, the contractor is nationally recognized in the field of test and promotional process design, with a specific expertise in the law enforcement arena. We did not independently evaluate the contractor's certification.

⁸The ranks of Chief of Police and Assistant Chief of Police are appointed noncompetitively by the Capitol Police Board. The ranks of Deputy Chief and Inspector are recommended by the Chief and approved by the Capitol Police Board.

⁹Capitol Police officials told us that they are considering increasing the number of candidates who qualify for the simulation phase in the next promotional cycle.

Each candidate who qualifies on the written examination and completes the simulation examination for Detective, Sergeant, or Lieutenant is to be placed on a ranked promotion list on the basis of his or her weighted composite score on the written and simulation examinations. Candidates for Captain are to be assigned to one of the following four categories: Very Ready For Promotion, Ready For Promotion, Marginally Ready For Promotion, or Not Ready for Promotion. These lists are created for a 2-year period. When a new list goes into effect, the prior list is no longer valid. Officials are to use these lists for promotions to Detective, Sergeant, Lieutenant, and Captain.

When a vacancy occurs at the Detective, Sergeant, and Lieutenant ranks, the Chief of Police is to make a recommendation for the promotion of one of the three highest ranked candidates. According to officials, the Chief generally recommends the highest ranked of the top three candidates, but he may pass over the first and/or second ranked for cause. Cause is generally limited to recent disciplinary actions. Promotions to Captain are to be made by the Chief from a list of candidates in the "Very Ready For Promotion" category. Final promotion decisions must be reviewed and approved by the U.S. Capitol Police Board. The Board, which consists of the House and Senate Sergeants at Arms and the Architect of the Capitol, oversees operations of the Capitol Police.

The Capitol Police has administered its 1994-95 testing cycle and created its promotional lists. Using Capitol Police data,¹⁰ we analyzed the results of the written examinations during the current promotion cycle for the ranks of Detective, Sergeant, Lieutenant, and Captain in table 4. We did not independently verify the data provided.

¹⁰Data for promotions were available only for the 1994-95 promotion cycle.

Table 4: U.S. Capitol Police 1994-95 Promotion Cycle Examination Results for Detective, Sergeant, Lieutenant, and Captain by Gender and Race

Officer's rank	Gender and racial group	Eligible to take written examination	Took written examination	Number qualifying	Adverse impact index
Captain	Male	24	14	14 ^a	^a
	Female	4	2	2 ^a	^a
	White	27	15	15 ^a	^a
	Black	1	1	1 ^a	^a
	Hispanic	0	0	0 ^a	^a
	Other	0	0	0 ^a	^a
Lieutenant	Male	92	46	16	.70
	Female	9	6	3	1.00
	White	86	46	17	1.00
	Black	14	5	1	.54
	Hispanic	1	1	1	^b
	Other	0	0	0	^b
Sergeant	Male	618	225	57	.67
	Female	129	50	19	1.00
	White	474	173	55	1.00
	Black	259	96	20	.66
	Hispanic	7	2	1	^b
	Other	7	4	0	^b
Detective	Male	587	163	42	^c
	Female	122	36	8	^c
	White	449	125	38	1.00
	Black	248	69	11	.52
	Hispanic	6	3	1	^b
	Other	6	2	0	^b

^aAll candidates taking the written examination for Captain automatically qualify to sit for the simulation test; therefore, there is no adverse impact analysis.

^bBecause of the relatively low numbers, we did not do an adverse impact index for the Hispanic and "Other" groupings.

^cBoth males and females qualified on the written examination for Detective at about the same rate (26 percent and 22 percent, respectively). Therefore, there is no adverse impact.

Source: U.S. Capitol Police.

As shown by the adverse impact index in table 4, the rate for blacks who qualified for the top 25 percent or top 33 percent of those taking the written promotion examination was a lower rate than the rate for whites. For the rank of Lieutenant, the rate of blacks in the top rankings was 54 percent of the rate for whites; for the rank of Sergeant, the rate of blacks in the top rankings was 66 percent that of whites; and for Detective, the rate of blacks in the top rankings was 52 percent that of whites. As previously mentioned, adverse impact is generally regarded as occurring when a selection rate for any EEO group being promoted is below 80 percent of the rate for the group with the highest rate.

Table 4 also shows the adverse impact index for males qualifying on the written examination for the ranks of Sergeant and Lieutenant as compared to females. For the rank of Sergeant, the rate of males in the top rankings was 67 percent of the rate for females. For Lieutenant, this rate was 70 percent. We should point out that due to the small number of females taking and qualifying on the written examination for Lieutenant (six and three, respectively), the adverse impact index could change with only a small difference in the results of the examination. For example, if one less female had qualified on the examination for Lieutenant, the qualification rates for males and females for this rank would have been almost identical. For Detective, the rates for males and females were almost equal.

According to Capitol Police data, when the written and simulation examinations were completed and candidates were rank ordered on promotion lists, most of the top-ranked candidates were white males. Pursuant to its promotion practices, the Capitol Police generally promoted the top candidates on the lists. The 10 promotions to Detective in the 1994-95 process went to white males, white males being the top candidates on the promotion list. The 17 promotions to Sergeant in the 1994-95 process went to 11 white males, 3 white females, 2 black males, and 1 black female. All were among the top 17 candidates on the Sergeant promotion list. Of the seven promotions to Lieutenant, five went to white males and two went to white females.

This corresponds to the profile of the top seven candidates on the Lieutenant promotion list. Of the five promotions to Captain, three went to white males, one went to a white female, and one to a black male. All of these candidates were in the top promotional category.

AGENCY COMMENTS AND OUR EVALUATION

The Capitol Police provided written comments on a draft of this letter (see encl.). These comments include the observation that certain areas covered in our report deserved further clarification. The Capitol Police also elaborated on the efforts it has taken to enhance its recruitment and promotional practices and emphasized its commitment to fair and nondiscriminatory selection processes and representation of all groups within its ranks.

In commenting on our draft, the Capitol Police expressed concerns with our use of CLF data to gauge an EEO group's representation in its workforce. Its concerns and our evaluation were discussed earlier on pages 3 and 4 of this letter.

The Capitol Police also expressed concern that although our analyses of the recruit selection and promotion processes considered the written component of the processes, we did not consider other aspects of the selection processes, such as the oral interview board for recruitment and the simulation exercises for promotion. The Capitol Police suggested that selection rates for protected groups were more proportionate for those employees who participated in the subsequent components of these processes.

Our letter discusses the impact of these events on selection rates. For example, our discussion of the Capitol Police's recruiting and hiring practices notes that when adverse impact analysis is restricted to those who qualified on the written examination, black males, black females, and white males were hired at a rate of 38 to 70 percent of that of white females. As we describe in our letter, the Capitol Police's recruitment process provides for applicants who pass the written entry-level examination to go through several additional steps, including the oral board interview. Consequently, such selection rates take into account the results of the oral interview board and other events, as suggested by the Capitol Police. Similarly, we describe the Capitol Police's promotion processes and point out that final promotion decisions take into account the results of the simulation exercises as well as written tests. Because additional promotions might still be made by the Capitol Police from its current promotions list, we did not do a separate adverse impact analysis of those who

qualified on the written promotion examination and those who have received promotions so far.

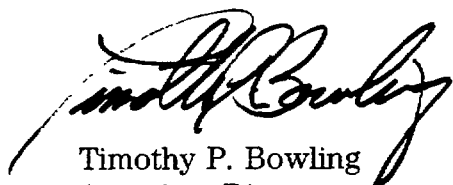
Finally, the Capitol Police elaborated on steps it has taken to enhance its recruiting, hiring, and promotional practices. The Capitol Police said the steps it has taken are more extensive than indicated in our letter. We have added information on the Capitol Police's efforts to the text of the letter, as appropriate.

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As agreed with your office, we will send copies of this letter to the Chief of the Capitol Police and to the U.S. Capitol Police Board. Unless you publicly release the contents of this letter, we plan no further distribution until 5 days from its date. At that time, we will send copies to other interested parties and make copies available to others upon request.

This letter was developed under the direction of Richard W. Caradine, Assistant Director. R. Rochelle Burns served as Evaluator-in-Charge. Please contact me at (202) 512-6594 if you have any questions or require additional information.

Sincerely yours,



Timothy P. Bowling
Associate Director
Federal Management and Workforce
Issues

Enclosure

ENCLOSURE

ENCLOSURE

COMMENTS FROM THE UNITED STATES CAPITOL POLICE



PHONE 224-3806

UNITED STATES CAPITOL POLICE

OFFICE OF THE CHIEF
119 D STREET NE
WASHINGTON, DC 20510-7218

March 6, 1996

COP 960117

Timothy P. Bowling
Associate Director
Federal Management and Workforce Issues
U.S. General Accounting Office
Washington, DC 20548

Dear Mr. Bowling:

We have carefully reviewed the draft General Accounting Office (GAO) report (GAO report) entitled Selected Personnel Practices of the Capitol Police that was recently submitted for agency comments. Although we appreciate the efforts of the GAO staff in compiling the data for this report, we feel strongly that certain areas covered by the report deserve clarification and further explanation.

PROFILE OF THE CAPITOL POLICE UNIFORMED WORKFORCE

Initially, the report discusses the belief that "the appropriate labor market is determined by reference to the source of employees" and continues to emphasize that this would include "persons in the entire Washington metropolitan area". However, the report later states that the USCP was not compared to individual law enforcement organizations "because there is no indication that any one of them would serve as an appropriate benchmark for comparison". These comments seem to be conflicting points and confuses the application of the CLF which does include statistics for surrounding counties. Clearly, it is not reasonable to apply potential underutilization of protected groups by neighboring police agencies to the USCP incumbent population. The CLF allows for only a gross comparison due to the imprecise construction of the data set and implies acceptance of disproportionate selection rates in other agencies as an acceptable standard.

It is also a concern that statistical conclusions based solely on data derived from the written examination component of our recruit selection and promotional processes, with no apparent consideration of the oral board, simulation exercises, and other critical job related factors, may effect the clear picture regarding selection rates. Of those participating in subsequent elements of the recruit selection and promotional processes, selection rates for protected groups were more proportionate.

GAO/GGD-96-16R Personnel Practices of the Capitol Police

Both the recruit selection and promotional examinations have been determined to be valid, job-related selection tests. As noted in the GAO report, both OPM and Landy-Jacobs and Associates, as well as the certifying consultant for the promotional process, have provided us with valid selection instruments for use. According to the Uniform Guidelines on Employee Selection Procedures, the use of valid selection procedures which may have adverse impact is not discriminatory.

Even accepting, for the purpose of argument, that the CLF is an accurate standard for comparison, the GAO report's use of the mean for their comparison is misleading. For example, The Metropolitan Police Department (MPD) employs over three times as many officers as the USCP, the United States Secret Service - Uniformed Division (USSS-UD), the Prince George's County, Md. Police Department, the Fairfax County, Va. Police Department, and the Montgomery County, Md. Police Department. As a result, MPD's 68% African American and 23% female population dramatically upsets the balance of the regional data. We note that if the median of the six largest agencies were used, the USCP would exceed the standard for representation of African Americans and females, placing third in both cases. These assertions are illustrated in the chart below:

RACE AND GENDER COMPOSITION - LARGEST DEPARTMENTS

LOCAL AGENCY	TOTAL SWORN	% WHITE	% AFRICAN AMERICAN	% MALE	% FEMALE
CITY/COUNTY	3,704	27%	68%	77%	23%
CITY/COUNTY	1,230	55.4%	39.4%	86.9%	13.1%
FEDERAL	1,041	74.4%	21.6%	92.3%	7.7%
USCP	1,015	69.4%	29.4%	83.1%	16.9%
CITY/COUNTY	998	86.3%	9.9%	90.9%	9.0%
CITY/COUNTY	962	79.7%	15.7%	81.7%	18.3%

The report also points out that African Americans are less well represented in the supervisory ranks than they are in the workforce as a whole. As the report notes, this is a function of the fact that all promotions are from within. Thus, any change in demographics at the entry level takes years to be reflected at higher levels since there is a time-in-grade requirement for eligibility for promotion at each level. This phenomenon is universal in police work. The following chart shows the representation of African Americans and females in the supervisory ranks of the six largest police departments in the Washington metropolitan area:

RACE AND GENDER COMPOSITION - SUPERVISORY RANKS

LOCAL AGENCY	TOTAL SWORN (SUPV.)	% WHITE	% AFRICAN AMERICAN	% MALE	% FEMALE
CITY/COUNTY	640	42.8%	52.7%	78.9%	21%
CITY/COUNTY	230	73%	27%	92.6%	7%
FEDERAL	Data Not Available*	Data Not Available*	Data Not Available*	Data Not Available*	Data Not Available*
USCP	211	82%	12%**	86.2%	13.7%
CITY/COUNTY	174	92%	8%	94.3%	6%
CITY/COUNTY	125	94.4%	6%	91.2%	9%**

* Agency declined to provide data

** Median

We suggest that the GAO could have utilized data in the chart for the largest law enforcement agencies in the region and calculated the median for each category. This would have provided a more appropriate statistical comparison since it is based on other similarly situated law enforcement agencies within the CLF. Using this benchmark would present a much more accurate picture of the regional situation, since it would remove any imbalance caused by the MPD's size and unique composition.

In addition, the GAO report did not compare the USCP to any individual law enforcement agency "because there is no indication that any one of them would serve as an appropriate benchmark for comparison". However, in terms of size, mission, and function, the USSS-UD and the United States Park Police, similarly situated Federal law enforcement agencies, provide an accurate and appropriate basis for comparison.

RECRUITMENT AND HIRING PRACTICES

Generally, based on discussions with other law enforcement agencies, police agencies have experienced difficulty in successfully recruiting interested and qualified minority candidates. As a result, it is important to recognize the significant efforts of our Department in the area of minority recruiting. For example, as indicated in the report, the USCP has replaced the entry level written test, OPM-21, with a new test, the National Police Officer Selection Test (POST). The primary motivation for this action was to minimize adverse impact on the recruit selection process and increase face validity. In addition, our minority recruiting is considerably more extensive than indicated in the GAO report. For example, the GAO report enumerates only two of the six publications and

directories that the USCP utilizes for recruiting. In fact, the USCP advertises in the following widely circulated publications: Federal Employment Listing Service, National Institute of Justice, Police Career Digest, as well the Police Gazette and Military Police Magazine. Furthermore, the USCP has a comprehensive outreach plan which includes sending a recruiting team with displays and materials to job fairs, military installations, and historically African American colleges and universities.

PROMOTIONAL PRACTICES

With regard to USCP promotional policies and practices, it is extremely important to note that with the exception of minor logistical and administrative support, each of the four promotional processes i.e., Detective, Sergeant, Lieutenant, and Captain, were developed, administered, and reported by an outside, professional consultant. The consultant, Landy-Jacobs and Associates, is nationally recognized in the field of test and promotional process design, with a specific expertise in the law enforcement arena. To minimize adverse impact and increase face validity, their promotional process involved:

- The conduct of a thorough job analysis for each of the four ranks, including training subject matter experts, identifying a task inventory, and knowledge and abilities analysis for each rank;
- Development of a comprehensive reading list (i.e. bibliographies) for each of the four written job knowledge examinations;
- Development of written job knowledge examinations for each of the four ranks. Each examination was tailored to the Capitol Police positions and contained both open and closed book portions. There was no overlap in test items among the four examinations;
- Development and administration of courses of instruction in how to prepare for written job knowledge examinations. The instruction was held for candidates on five separate occasions and was available on video tape;
- Immediate, on-site scoring;
- A detailed item analysis of each examination and report of final raw and percentage scores to each candidate for each portion of the four examinations;
- Participation in an appeals process available to each candidate to resolve test issues such as job relevance, keyed response, ambiguity, and source conflicts;
- Development of simulation exercises or an assessment center for each rank tailored to Capitol Police positions, with no content overlap;
- Development and administration of courses of instruction in how to prepare for

simulation exercises. The instruction was offered to candidates on five separate occasions and was also available on video tape; and

- Compilation and reporting of all final results of each of the four processes.

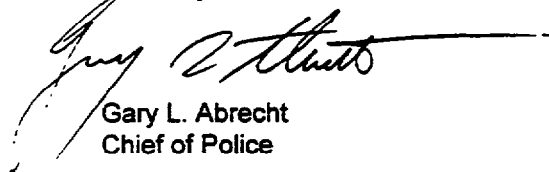
In addition, tutorial sessions were offered to all personnel. These sessions were a series of eight hour lectures concentrating on sources of information contained in the reading lists and were presented by in-house subject matter experts. They were offered on eight separate occasions over a six week period. Video tapes of all session were available for subsequent review.

Furthermore, to ensure that all aspects of the promotional process would comport with the highest professional and legal standards and minimize potential adverse impact, the Capitol Police Board hired a separate consultant to monitor, review, and validate the entire promotional process.

Upon completion of the promotional process, we invited both consultants to meet with us and to recommend, based on their professional expertise, further suggestions on improving our process (e.g., increasing the percentage of candidates who will participate in the simulation exercises). We have incorporated each of their suggestions into our next process.

The United States Capitol Police is committed to absolutely fair and non-discriminatory selection and promotion processes, and representation of all groups within its ranks. While we are proud that our representation of minorities and females meets or exceeds the median for large departments in the Washington metropolitan area, both in the force as a whole and among supervisors, we are continuing our proactive efforts. Within the last two years we have replaced our promotional process with one completely under the control of one of the foremost experts in police promotional processes. As a result of their recommendations, we will make further adjustments in the processes which will be administered this year. We have replaced our written entrance examination with one which has been shown not to have adverse impact and we have enhanced our existing targeted minority recruitment program. With these changes we are confident that we will remain on the cutting edge of progressive personnel practices.

Sincerely,



Gary L. Abrecht
Chief of Police

(966632)

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